

**TOWN OF MALABAR**  
**PLANNING AND ZONING ADVISORY BOARD**  
**REGULAR MEETING**  
**WEDNESDAY DECEMBER 14, 2016**  
**7:30 PM**  
**MALABAR COUNCIL CHAMBER**  
**2725 MALABAR ROAD**  
**MALABAR, FLORIDA**

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**AGENDA**

- A. CALL TO ORDER, PRAYER AND PLEDGE**
- B. ROLL CALL**
- C. NOMINATIONS FOR CHAIR AND VICE CHAIR FOR 2016/2017**
- D. ADDITIONS/DELETIONS/CHANGES**
- E. CONSENT AGENDA :**
  - 1. Approval of Minutes**                      Planning and Zoning Meeting – 10/12/2016
  - Exhibit:**    Agenda Report No. 1
  - Recommendation:**                              Request Approval
- F. PUBLIC HEARING: none**
- G. ACTION:**
- H. DISCUSSION:**
  - 2. Discuss Items For Future Meetings**
- I. ADDITIONAL ITEMS FOR FUTURE MEETING:**
- J. PUBLIC:**
- K. OLD BUSINESS/NEW BUSINESS:**
- L. ADJOURN**

**NOTE: THERE MAY BE ONE OR MORE MALABAR ELECTED OFFICIALS ATTENDING THIS MEETING.**  
If an individual decides to appeal any decision made by this board with respect to any matter considered at this meeting, a verbatim transcript may be required, and the individual may need to insure that a verbatim transcript of the proceedings is made (Florida Statute 286.0105). The Town does not provide this service in compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation for this meeting should contact the Town's ADA Coordinator at 321-727-7764 at least 48 hours in advance of this meeting.

**TOWN OF MALABAR**  
**PLANNING AND ZONING**

**AGENDA ITEM REPORT**

**AGENDA ITEM NO: 1**

**Meeting Date: December 14, 2016**

**Prepared By: Denine M. Sherear, Planning and Zoning Board Secretary**

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**SUBJECT: Approval of Minutes**

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**BACKGROUND/HISTORY:**

The minutes must reflect the actions taken by the Board:

- Who made the Motion
- What is the motion
- Who seconded the motion
- What was the vote

Malabar has historically included discussion to provide the reader the understanding of how the Board came to their vote. It is not verbatim and some editing is done to convey the thought. People do not speak the way they write.

**ATTACHMENTS:**

Draft minutes of P&Z Board Meeting of October 12, 2016

**ACTION OPTIONS:**

Secretary requests approval of the minutes.

“The following draft minutes are subject to changes and/or revisions by the Planning and Zoning Board and shall not be considered the official minutes until approved by the P&Z Board.”

**MALABAR PLANNING AND ZONING BOARD REGULAR MEETING  
October 12, 2016 7:30 PM**

This meeting of the Malabar Planning and Zoning was held at Town Hall at 2725 Malabar Road.

**A. CALL TO ORDER, PRAYER AND PLEDGE:**

Meeting called to order at 7:30 P.M. Prayer and Pledge led Chair Pat Reilly.

**B. ROLL CALL:**

CHAIR:	PAT REILLY
VICE-CHAIR:	LIZ RITTER, excused
BOARD MEMBERS:	BUD RYAN
	WAYNE ABARE
	GEORGE FOSTER
ALTERNATE:	DOUG DIAL
ALTERNATE:	VACANT
BOARD SECRETARY:	DENINE SHEREAR

ADDITIONAL ATTENDEES:

TOWN ADMINISTRATOR: DOUG HOYT

**C. ADDITIONS/DELETIONS/CHANGE:**

Reilly said that Doug Dial will be voting in the place of Liz Ritter's absence.

**Reilly moved "Public" to first item to let Town Administrator to speak:**

**PUBLIC:**

Doug Hoyt, Town Administrator (DH) discussed W. Railroad Ave. that it has been used as a commercial roadway since the 1960's for the businesses that are located on W. Railroad Ave. We have abandoned portions of W. Railroad Ave. One Business has its septic system on the Town's right-of-way (ROW) and a tractor-trailer on the ROW. We have an opportunity at this time to correct these issues. DH gave out handout to Board, and discussed the current issues that have been going on, on W. Railroad Ave.. DH explained that FLP has its pole right in the middle of the 40 foot ROW at Malabar Road & W. Railroad Ave., DH contacted FPL to move the pole, and it should be at the cost of FPL's "dime".

DH explained "handout" referencing three (3) pieces of ground. DH explained that the first being the railroad owned strip of land adjacent to Towns ROW approx. 20 foot wide and 210 feet in length, it was suggested at that time that the "Feed Store" purchase this section so that the septic system and tractor-trailer is sitting on the Towns ROW, would then be on their own property and comply. The Town did purchase the 20-foot x 210 feet (approx.) ROW section from the railroad for \$1,000.00.

The Town Council abandoned a 2 ½ foot strip so the Town would not be in the ROW, and also abandoned was a small triangle portion of land that AAA Storage had their fence post was placed on, in the 40 foot ROW going north. Abare added input on the situation due to being on Town Council at the time of this transaction. DH added that the Town owns a wedge shaped piece of property along AAA Storage on W. Railroad Ave. and the ROW of W. Railroad Ave. goes from 40 ft. to 60 ft...

DH would suggest/propose cleaning up the geography along W. Railroad Ave. to make W. Railroad Ave. a straight 40-foot ROW, abandon the 17 ft. ROW to the "Feed Store" and get taxes. Then abandon the triangular piece of ROW to AAA Storage along W. Railroad Ave. and get those taxes. Then the Town would abandon the Johnston Ave ROW, so the Town would then get taxes on all these properties. If you go west, on Johnston Ave., it is a 40ft ROW, and as you come east, the ROW is 30 ft.

Reilly suggested the two people that came in to abandon a section along Johnston Ave would also be included in this abandonment.

DH explained to the Board about the increase in ad-valrum taxes and that the AAA Storage would have to bring W. Railroad Ave. road up to Town Standards to the furthest point of his property along W. Railroad Ave. The surveyor goes out and stake out W. Railroad Ave. and we would get the road in the right place.

Ryan added then AAA Storage would get to use the side entrance that was not intended for use in the original site plan. DH said he spoke to AAA Storage, something about a gate installed on the new property for ingress/egress. DH commented that the Town would benefit with W. Railroad Ave being constructed up to Town standards, and the Town would get increased tax revenue from the abandoned ROW areas.

Reilly said the reason that no one wanted him (AAA Storage) to use a side gate because he was accessed this entrance from a non-improved road. However, if AAA Storage is going to bring the road to Towns standards Reilly would entertain the idea.

The Board discussed this item; DH said that Council turned down the recommendation to abandon Johnston Ave. due to the recommendation by PZ at a previous meeting. DH said that was good so all the information could be gathered to move forward. DH said the road was being used by two commercial businesses since the 1960's.

Ryan said that those two prior uses would be grandfathered in, under real estate laws.

Abare said the road would be up to Town Standards to the north most extent of the properties. Abare said that this is a plus for everyone. Foster said it is as good as it gets.

DH listed the plus side of this project:

- Tax dollars for property that we don't get anything now
- Improved road to Towns Standards
- Solved problem with septic tank/trailer in Towns ROW (Feed Store)

Foster asked about the FPL pole in the ROW, DH said in his opinion FPL did not do their due diligence when the pole was installed. He will be in contact with FPL to follow up to get this on their work schedule to move the pole.

Reilly entertained a vote of confidence to go forward with abandonment of ROW concerning W. Railroad Ave. Johnston Ave. by this Board:

- Ryan- not supportive, due to the way it was presented
- Foster- supportive
- Abare- supportive
- Reilly- supportive (with explanation)
- Dial- supportive, with more details/information

Ryan asked if there is a rush to move forward with this project and DH responded that Mr. Robert Marks has contacted the Town & DH to move project along, DH explained that typically he would not get involved but he is looking out for the financial impact to the Town with the added taxes.

**D. CONSENT AGENDA:**

- 1. **Approval of Minutes**
  - Planning and Zoning Meeting – 07/27/2016
  - Planning and Zoning Meeting – 08/10/2016
- Exhibit:** Agenda Report No. 1
- Recommendation:** Request Approval

**Motion: Abare / Dial to Recommend Approval of Minutes of 7/27/15 as presented All Vote: Aye**

**Motion: Abare / Foster to Recommend Approval of Minutes of 8/10/15 as corrected All Vote: Aye**

Correction of Minutes:

Reilly:

- > page 6/25 last sentence JayBar should be J Bar E

Doug:

- > page 7/25 2<sup>nd</sup> parag. 2<sup>nd</sup> sentence at end horse = horses
- > page 7/25 3<sup>rd</sup> sentence after Meghan , a = at
- > page 7/25 5<sup>th</sup> parag. horse = horses

**E. PUBLIC HEARING**

**F. ACTION:**

**G. DISCUSSION:**

- 2. **Discuss the Land Development Regulations allowing and controlling "Tiny House" Construction within the Town of Malabar**

- Exhibit:** Agenda Report No. 2
- Recommendation:** Discussion

Reilly said that we already have in our code what Malabar determines to be the smallest Single Family Residence (SFR).

Sherear has received two walk-in inquiries and a few phone calls from potential property owners to build a "tiny house" on a large piece of property in the Town of Malabar. Sherear explained that presently in our code, we do not allow for "tiny houses" and anyone is welcome to come to a PZ Meeting and present their suggestions.

The Board discussed this "tiny houses" that was approved in Rockledge in FL.

Dial explained that this is a national trend right now across the country that people are downsizing; this is part of the "green movement."

Reilly said we could end it tonight, or discuss further to potentially change code.

**Motion: Ryan/Abare to not discuss further the "tiny houses" All Vote: Aye**

**H. ADDITIONAL ITEMS FOR FUTURE MEETING**

**I. PUBLIC**

**J. OLD BUSINESS/NEW BUSINESS:**

Abare said that we have a potential new PZ (alternate) Member Alan Rice, who lives in Rocky Point subdivision. Reilly said he was approved on October 3, 2016 and term starts November 9, 2016. Another potential "Alternate Member" is Mary Hofmiester, The swearing in is November 9, 2016.

Reilly said they need to put for "Action Item" to move Doug Dial to a regular PZ Board Member at the November 7, 2016 Town Council Meeting.

Old Business:

Sherear told PZ Board that Route 1 Motor Sports picked up all their permits to start construction.

The Board asked about Paladin project for the assisted living facility, and Sherear responded that she has not heard anything since last time they called about 8 month ago, Gary Parrish and they were still moving forward.

New Business:

Reilly to discuss calendar for November & December Meetings for PZ:

- The October 26, 2016 tentatively Cancel Meeting unless something from the RTCM on October 17, 2016 needs to be discussed.
- November 9, 2016 need to Vote a new Chair and Vice Chair.
- November 23, 2016 traditionally off the day before Thanksgiving no meeting, **All Vote: Aye**
- December 28, 2016 over the Christmas Break no meeting, **All Vote: Aye**

Reilly would like to thank the Board for the 15 years on the Board for all work and efforts, Reilly started on PZ Board in November 2001, due to Mayor Eschenberg and Richard Cameron.

**K. ADJOURN**

**Reilly stated without objection meeting adjourned.**

There being no further business to discuss, MOTION: Abare/Ryan to adjourn this meeting. Vote: All Ayes. The meeting adjourned 8:48P.M.

BY:

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Patrick Reilly, Chair

\_\_\_\_\_  
Denine Sherear, Board Secretary

\_\_\_\_\_  
Date Approved: as presented/corrected

DRAFT